

**REMARKS**

Re-examination and reconsideration of the subject application in view of the remarks which follow and the attached terminal disclaimer are respectfully requested.

The Examiner rejected claims 1, 5-10, and 12-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 5, 6, 11, and 12 of U.S. Patent Application No. 10/277,474 (now U.S. Patent No. 6,914,930 ("Raskin et al.")) in view of U.S. Patent No. 6,459,483 ("Shafer et al.") and U.S. Patent No. 4,910,717 ("Terry"). The Examiner objected to claim 12 under 37 CFR 1.75 as being a substantial duplicate of claim 5 of U.S. Patent Application No. 10/277,474 (now Raskin et al.)). For the following reasons, the obviousness-type double patenting rejection and the claim objection should be withdrawn.

While the applicants do not respectfully agree with the Examiner's conclusions, in order to expedite the prosecution of this application, submitted herewith is a terminal disclaimer in view of the Raskin et al. patent. Accordingly, withdrawal of the double patenting rejection in view of Raskin et al. and the other combined references, as well as the withdrawal of the claim objection are respectfully requested.

The Examiner also rejected claims 1, 5-10, and 12-18 under 35 U.S.C. § 103(a) as being unpatentable over Raskin et al. in view of Shafer et al. Furthermore, the Examiner rejected claims 8 and 9 under 35 USC § 103(a) as being unpatentable over Raskin et al. in view of Shafer et al. and further in view of Terry.

For the following reasons, these rejections are respectfully traversed. In particular, Raskin et al. does not constitute prior art under 35 U.S.C. § 103(a) as the conditions of 35 U.S.C. § 103(c) apply. Firstly, it is respectfully submitted that Raskin et al. is only available as prior art

## UTILITY PATENT

B&amp;D No. TN-09409

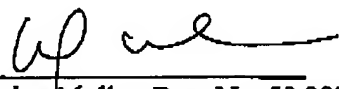
under 35 U.S.C. 102(c), (f), and/or (g) with respect to the subject continuation-in-part application as Raskin et al. is to another and was filed before the subject continuation-in-part application. Secondly, it is respectfully submitted that the subject application and Raskin et al. were, at the time the invention of the subject application was made, owned by Black & Decker, Inc. Therefore, in accordance with 35 U.S.C. 103(c)(1), Raskin et al. is disqualified from being used in a rejection under 35 U.S.C. 103(a) against the claims of the subject application. Withdrawal of all rejections under 35 U.S.C. 103(a) in view of Raskin et al. and the other combined references are respectfully requested.

Based on the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of claims 1, 5-10, and 12-18 are respectfully requested.

The Commissioner is authorized to charge payment of any fees due in processing this response or to credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,

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